

1 Victor M. Sher, SBN 96197  
2 Todd E. Robins, SBN 191853  
2 Chloe S. Andrews, SBN 227099  
SHER LEFF LLP  
3 450 Mission Street, Suite 400  
San Francisco, CA 94105  
4 Telephone: (415) 348-8300  
Facsimile: (415) 348-8333

6 Scott Summy, *Admitted in Texas*  
7 BARON & BUDD, P.C.  
8 3102 Oak Lawn Avenue, Suite 110  
Dallas, TX 75219-4281  
Telephone: (214) 523-6267  
Facsimile: (214) 520-1181

Attorneys for Plaintiff, MONTARA WATER AND SANITARY DISTRICT

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

## MONTARA WATER AND SANITARY DISTRICT

) Case No. 05-cv-02480 JSW

Judge: Hon. Jeffrey S. White

THE DOW CHEMICAL COMPANY; DOW AGROSCIENCES, LLC; SHELL OIL COMPANY; SHELL CHEMICAL COMPANY; OLIN CORPORATION; WILBUR-ELLIS COMPANY; AND DOES 1 through 300, INCLUSIVE

**Defendants.**

**MOTION FOR CONTINUANCE OF INITIAL CASE MANAGEMENT CONFERENCE**

2 TO ALL PARTIES AND THEIR COUNSEL OF RECORD: Please take notice that, in  
3 accordance with Rule 7-11 of the Local Rules of the U.S. District Court for the Northern District of  
4 California, Montara Water and Sanitary District, plaintiff in the above-captioned action, along with  
5 the City of Oceanside, City of Alhambra and City of Livingston – plaintiffs in *City of Oceanside v.*  
6 *The Dow Chemical Co., et al.*, Case No. 05-cv-02482 JSW; *City of Alhambra v. The Dow Chemical*  
7 *Co., et al.*, Case No. 05-cv-02595 JSW; and *City of Alhambra v. The Dow Chemical Co., et al.*, Case  
8 No. 05-cv-03262 JSW, respectively -- (collectively, “Plaintiffs”) hereby move the Court for a brief  
9 continuance of the Initial Case Management Conferences in their cases, currently set for October 7,  
10 2005, at 9:00 a.m., until after Plaintiffs’ motions to remand to state court, which are also currently set  
11 for hearing on October 7, 2005, at 9:00 a.m., have been resolved.

12 This Motion for Administrative Relief is made on the following grounds:

13       1. Plaintiffs contend that their actions were improperly removed to federal court, and that  
14 this Court does not have subject matter jurisdiction over such actions. Accordingly, Plaintiffs have filed  
15 motions to remand their actions to state court.

16       2. The continuance sought herein will promote judicial economy and efficiency and avoid a  
17 potentially needless waste of the parties' time and resources.

18 3. The requested continuance is a brief one, and will not cause prejudice to any party.

19 This motion is made pursuant to Federal Rule of Civil Procedure 6(b) and is based upon  
20 this Notice, the attached points and authorities and Declaration of Todd E. Robins, the Court's files and  
21 records in this matter, and such other argument and evidence as the Court may consider.

WHEREFORE, Plaintiffs respectfully request that the Court: (1) continue the Initial Case Management Conferences in the above-referenced cases until after the Court has ruled on Plaintiffs' motions to remand; and (2) vacate all non-remand-related deadlines and other requirements established in Amended Clerk's Notice (filed August 9, 2005) in the *Montara* action and the Orders Setting Case Management Conference (filed August 9, 2005) in the *Alhambra* and *Oceanside* actions.

Respectfully submitted,

1 DATED: September 14, 2005

SHER LEFF LLP

2 By:

3 VICTOR M. SHER  
TODD E. ROBINS  
CHLOE S. ANDREWS

4  
5 BARON & BUDD, P.C.  
6  
7 Attorneys for Plaintiffs,  
8 MONTARA WATER AND SANITARY  
DISTRICT, CITY OF OCEANSIDE, CITY OF  
ALHAMBRA and CITY OF LIVINGSTON  
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12 Dated: September 21, 2005  
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